

yn



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,911	02/02/2001	Yasuo Nomura	202552US6	8104

22850 7590 11/09/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

TRAN, THAI Q

ART UNIT PAPER NUMBER

2616

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

yn

Office Action Summary

Application No.

09/773,911

Applicant(s)

NOMURA ET AL.

Examiner

Thai Tran

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/21/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is not within the range of 50 to 150 words. Correction is required. See MPEP § 608.01(b).

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanai et al (EP 0 640 897 A1).

Regarding claim 1, Hanai et al discloses an information processing apparatus (Fig. 1), comprising:

time information supply means (the internal clock of the video tape recorder disclosed in col. 6, lines 4-9) for supplying time information to be used for management of operation of said information processing apparatus;

reception control means (the microcomputer 22 of Fig. 1, col. 7, line 45 to col. 8, line 6 and col. 8, lines 35-51) for controlling reception of a broadcasting wave;

detection means (extracting the VBI time data disclosed in col. 7, lines 1-12 and in col. 8, lines 35-51) for detecting predetermined information from the broadcasting wave received under the control of said reception control means within a period from a first point of time to a second point of time based on the time information supplied from said time information supply means;

time correction means (automatically setting the internal clock disclosed in col. 7, lines 13-44) for correcting the time information supplied from said time information supply means based on a result of the detection of said detection means; and

recording means (automatically setting the internal clock disclosed in col. 7, lines 13-44) for recording a result of the correction of the time information by said time correction means.

The method claim 5 is rejected for the same reasons as discussed in the corresponding apparatus claim 1 above.

The program storage medium claim 9 is met by the microcomputer 22 of Fig. 1, col. 7, line 45 to col. 8, line 6, as discussed in the corresponding apparatus claim 1 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2, 4, 6, 8, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanai et al (EP 0 640 897 A1) in view of Baik et al (US 5,668,915).

Regarding claim 2, Hanai et al discloses all the claimed limitations as discussed in claim 1 above except for providing display control means for controlling displaying of the result of the correction of the time information recorded in said recording means.

Art Unit: 2616

Baik et al teaches a similar a video cassette recorder having character display unit 14 for displaying the current time from the microcomputer 10 (col. 4, lines 35-49 and col. 7, lines 27-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the character display unit 14 as taught in Baik et al into Hanai et al's system in order to inform the user the current and corrected time of the day.

Regarding claim 4, Hanai et al discloses all the claimed limitations as discussed in claim 1 above except for providing that, when said detection means cannot detect the predetermined information within the period from the first point of time to the second point of time, said time correction means corrects the time information supplied from said information supply means based on the result of the correction of the time information recorded by said recording means.

Baik et al also teaches that the internal clock is used when the current time transmitted in the video broadcasted signal is not received (col. 7, lines 50-63).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of using internal clock when the current time transmitted in the video broadcasted signal is not received as taught by Baik et al into Hanai et al's system in order to minimize the error in setting the current time of the video tape recorder upon an interruption of power.

Method claims 6 and 8 are rejected for the same reasons as discussed in the corresponding apparatus claims 2 and 4 above.

The program storage medium claims 10 and 12 are rejected for the same reasons as discussed in the corresponding apparatus claims 2 and 4 above.

7. Claims 3, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanai et al (EP 0 640 897 A1) in view of Baik et al (US 5,668,915) as applied to claims 2, 6, and 10 above, and further in view of Nishigaki et al (US 5,907,365).

Regarding claim 3, the combination of Hanai et al and Baik et al discloses all the claimed limitations as discussed in claim 2 above except for providing that said display control means further controls displaying of a message representative of failure in correction of the time information when the correction of the time information cannot be performed by said time correction means within the period from the first point of time to the second point of time.

Nishigaki et al teaches, in the time setting apparatus, the capability of displaying to the user that the time setting of the clock is impossible (col. 23-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of displaying the notice of impossible time setting to the clock is displayed to the user as taught by Nishigaki et al into Hanai et al's system in order to inform the user that the time setting to the clock of the video tape recorder is impossible so that the user can determine other possible method to set the time of the clock of the video tape recorder.

The method claim 7 is rejected for the same reasons as discussed in the corresponding apparatus claim 3.

Art Unit: 2616

The program storage medium claim 11 is rejected for the same reasons as discussed in the corresponding apparatus claim 3.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

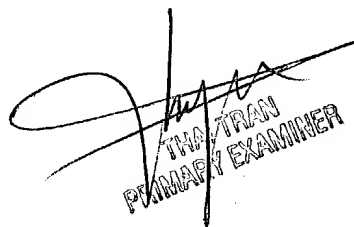
The cited references relate to an apparatus for setting the time of the internal clock of the video tape recorder.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ


THAI TRAN
PRIMARY EXAMINER